

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH,

Plaintiffs,

v.

VIRGINIA SURETY COMPANY, INC.

Defendant.

Civil Action No. 04-11109 RGS

DEFENDANT VIRGINIA SURETY COMPANY, INC.'S
MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Virginia Surety Company, Inc. ("Virginia Surety") hereby moves for summary judgment as to all claims of plaintiffs Lexington Insurance Company ("Lexington") and National Union Fire Insurance Company of Pittsburgh ("NUFIC") (collectively, "AIG") and as to Count I of its Counterclaim (Declaratory Judgment). For the reasons set forth in the accompanying memorandum of law and Affidavit of Nicholas C. Cramb, Esq., Virginia Surety requests that this motion be granted.

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Oral Argument Requested

VSC respectfully requests the opportunity to be heard in support of this motion.

Respectfully submitted,

VIRGINIA SURETY CO., INC.,

By its attorneys,

/s/ Nicholas C. Cramb

Joseph G. Blute (BBO 047300)

John M. Stephan (BBO 649509)

Nicholas C. Cramb (BBO 654368)

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Dated: September 29, 2006

Rule 7.1(A)(2) Certification

The above-signed counsel hereby certifies that the parties have conferred in good faith pursuant to Local Rule 7.1(A)(2) regarding the issues in this Motion.

Certificate of Service

I, Nicholas C. Cramb, Esq. hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on September 29, 2006.

/s/ Nicholas C. Cramb

Dated: September 29, 2006